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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,261	06/06/2001	Tandy G. Willeby	017402.000009	5178
25883	7590	07/29/2005	EXAMINER	
HOWISON & ARNOTT, L.L.P			ELMORE, JOHN E	
P.O. BOX 741715			ART UNIT	
DALLAS, TX 75374-1715			PAPER NUMBER	
			2134	
DATE MAILED: 07/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/874,261

Applicant(s)

WILLEBY, TANDY G.

Examiner

John Elmore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/10/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. In response to the previous office action, Applicant makes no amendments but requests that the Examiner reconsider the claims pending in the action.

### ***Response to Arguments***

2. Applicant's arguments filed 21 April 2005 have been fully considered but they are not persuasive.

Regarding Applicant's argument that there is no disclosure set forth in the cited portion that the client requests any services or any resources from the server (Remarks, page 5), the client requests a connection from the server, which one of ordinary skill in the art would recognize is a service request for server resources. Nonetheless, Perlman teaches other instances of the client requesting services from the server including, for example, a request for the transmission of video data (col. 12, lines 22-39).

Regarding Applicant's argument that a telephone number does not constitute a network address of the client system (Remarks, page 5), one of ordinary skill in the art would recognize that a network address merely describes a unique identifier of a node on a network. A telephone network is indeed a type of network and a telephone number serves as a unique identifier of each particular telephone in use on that network. Applicant does not restrict the network to Internet protocol or any other configuration that would prohibit a telephone network. It is irrelevant whether client is subsequently associated with an IP address or that any other address is stored in a database at the

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server; the client's telephone number is sufficient to serve as a unique identifier in order to facilitate the network connection.

Regarding Applicant's argument that a telephone number is not an exact indicator of geographic location (Remarks, pages 5 and 6), Applicant does not require that geographic location consist of a particular resolution in correspondence to a network address. One of ordinary skill would recognize that a telephone is inherently defined by geographic location and that geographic location information including the city proximity of the switching office and the identity of the state provide information that is of sufficient resolution to permit or deny access to the server, as illustrated by Coyle's teaching of a system wherein a client request for online gambling services is denied if the client resides in a state where such gambling is illegal.

Applicant's further argument is also unpersuasive that "the location of the requesting client system is not important to Perlman" (Remarks, page 6) and that there exists "no motivation to combine the teachings of Coyle with Perlman" for the purpose of using geographic information as a means of client authentication (Remarks, page 7). Perlman particularly points out that "by knowing where a particular client is geographically located using the WebTV network device's means for determining client location, the server response to client requests can be tailored to the client's particular geographic locality" (col. 13, lines 51-55). Perlman notes that this server response includes that of third-party services acting through the WebTV server, for which "geographical location may be significant" (col. 14, lines 28-48). One of ordinary skill in

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the art would recognize that denying or permitting a server resource to be utilized based on geographical location are both server responses.

As such, this recognition provides sufficient motivation for combining Coyle with Perlman, as Coyle describes an online gambling system wherein the server response is based on the evaluation of the client's geographical location. It is irrelevant that Coyle does not explicitly mention a network address. Coyle uses the term "user ID" to describe what is the functional equivalent to using of a telephone number or other network address to determine a client's geographic location, describing the user ID as an "identifier" or "any persistent form of ID" that would enable a server to permit or deny a request for a gambling service based on the geographic location of the requesting client (page 4, paragraph 3). One of ordinary skill in the art would recognize that a telephone number would serve as a persistent form of ID to provide sufficient information regarding the client's geographic location, in particular the calling state, for the purpose of abiding by state gambling laws.

Regarding the Applicant's argument that the system of Beadle is intended to convey only the proximate location of a user and a device such that the system "does not really concern itself with the geographical location of a user for the purpose of providing services" (Remarks, page 9), Beadle describes an embodiment of a mobile computing system, referred to as a Smart Badge or Intelligent Badge, that "makes use of environment information (such as location...)" in order to "make access control and authentication easier" (page 1, para. 4 and 5). Beadle expands the definition of location beyond mere proximity to other devices by noting that the Badge is outfitted with an I/O

port for the purpose of interfacing with a GPS system (page, 4, para. 6); hence, Beadle is describing a system with the capabilities to render services, including access control and authentication, based on geographical location information. One of ordinary skill in the art would recognize that Beadle's example of interfacing a Badge with a copier machine (page 7) demonstrates capabilities which apply to a host of other devices, including an automatic teller machine and that a user employing such a Badge with a GPS system to interface with an ATM would be functionally equivalent for the purpose of authentication to Applicant's described embodiment of an ATM that integrates a GPS system – both would provide the geographical location of the user as an additional means for authentication to a server whose services are being requested.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Elmore whose telephone number is 571-272-4224.

The examiner can normally be reached on M 10-8, T-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE

David Y. Jung  
Primary Examiner

7/24/05

